

**CANYON BREEZE (CANYON BREEZE LLC)
TWENTY-FIVE-LOT MAJOR SUBDIVISION**

DRAFT STAFF REPORT FOR PLANNING BOARD

CASE PLANNER:

Tristan Riddell *TR*

**REVIEWED/
APPROVED BY:**

John Lavey *SL*

**PUBLIC HEARINGS/
MEETINGS:**

Planning Board Public Meeting 7:00 p.m. August 4, 2010
BCC Public Hearing: 9:00 a.m. September 2, 2010
Deadline for BCC action (60 working days). October 4, 2010

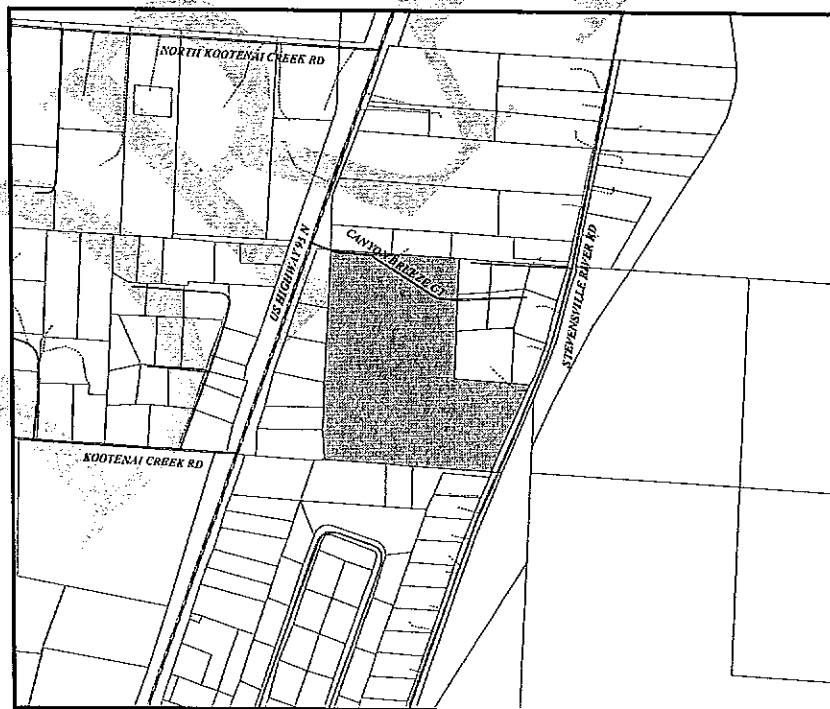
SUBDIVIDER:

Canyon Breeze, LLC/Robert Kwapy
PO Box 370
Stevensville, MT 59870

REPRESENTATIVE:

Territorial-Landworks
PO Box 3851
Missoula, MT 59806

LOCATION OF REQUEST: The property is located west of Stevensville off Canyon Breeze Court and U.S. Highway 93. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

A parcel, located in the S1/2, S1/2 of Section 15, T9N, R20W,
P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was deemed complete on July 9, 2010. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are included as Exhibits A-1 through A-9 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

LEGAL NOTIFICATION:

A legal advertisement was published in the *Bitterroot Star* on Wednesday, August 4, 2010. Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked July 21, 2010. No public comments have been received to date.

**DEVELOPMENT
PATTERN:**

Subject property	Conditionally Approved 14-Lot subdivision
North	Rural Residential/Commercial
South	Rural Residential/Commercial/Vacant Rural
East	Rural Residential/Bitterroot River
West	Commercial/Vacant Rural/US Highway 93

INTRODUCTION

The Canyon Breeze Major subdivision is a twenty-five (25) lot major subdivision proposed on 28.75 acres. All lots are proposed for single-family residential use. Lots will be served by individual wells and septic systems. The project is proposed to be filed in 5 phases over the course of 10 years. There are no variance requests accompanying this proposal. The subject property received a conditional approval for a fourteen (14) lot major subdivision on January 8, 2008, but the applicant is proposing to amend the conditional approval to include an additional 11 lots. The filing deadline for the originally approved subdivision is September 17, 2010.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY PLANNING BOARD
AUGUST 4, 2010
CANYON BREEZE
TWENTY-FIVE LOT MAJOR SUBDIVISION

RECOMMENDED MOTION

That the Canyon Breeze Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions and requirements in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR ALL PHASES

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat of each phase:

Notification of Irrigation Facilities and Easement. Within this subdivision there is an irrigation easement, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (*Section 3-2-8(b), Prerequisites to Approval and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

Notification of Road Maintenance Agreement. Ravalli County, the State of Montana, or any other governmental entity does not maintain the internal subdivision roads and therefore does not assume any liability for improper maintenance or the lack thereof. A Road Maintenance Agreement for these roads was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)

Notification of Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Stevensville River Road frontage of this subdivision, excepting the approach to the "emergency access". All lots within this subdivision shall access off the internal subdivision roads. This limitation of access may be lifted or amended only with the approval of the Ravalli County Board of County Commissioners. (*Section 3-2-8(b)(v)(C F), RCSR, Effects on Local Services and Public Health and Safety*)

Notification of Wastewater Treatment System Maintenance. It is recommended that the septic tank sludge and scum layer be checked every three years and tank pumped, if necessary. Effluent filters should be cleaned every year. The drain field should be evaluated during the three year check and any problems with compaction, water logging, inappropriate vegetative cover, parking or driving over the area and replacement area, or buildings located over the area should be appropriately addressed. Any pump chambers, pumps, pump controls, and other equipment should be checked yearly as recommended by "The Montana Standards for Subsurface Wastewater Treatment Systems", Circular DEQ-4, Section 7.4 and Appendix D, (<http://www.deq.state.mt.us/wqinfo/Circulars/DEQ42004Edition.pdf>) and the manufacturer's

recommendations. (Section 3-2-8(b)(v)(C, D), RCSR, Effects on Local Services and Natural Environment)

Notification of Use of Wood Stoves. The County recommends that home owners install EPA-certified wood stoves to reduce air pollution. It is recommended that wood burning stoves not be used as the primary heat source. More information is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Credit for the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. (Section 3-2-8(b)(v)(D), RCSR, Effects on Natural Environment)

Notification of Open Burning Season. Open burning is allowed from March 1st through August 31st. From September 1st through November 30th call the DEQ ventilation hotline 1-800-225-6779 prior to burning. Open burning is prohibited December 1st through February 28th. The only material that can be legally burned is wood waste from trees, shrubs, and plants originating on the property and clean, untreated wood generated on the property. You can review Montana open burning laws at <http://deq.mt.gov/dir/legal/Chapters/CH08-06.pdf>. (Section 3-2-8(b)(v)(D, F), RCSR, Effects on Natural Environment and Public Health and Safety)

Notification of Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (Section 3-2-8(b)(v)(D, F), RCSR, Effects on Natural Environment and Public Health and Safety)

Notification of Living with Wildlife. (See Exhibit A-7 of this staff report for required provisions.) (Section 3-2-8(b)(v)(A, E), RCSR, Effects on Wildlife, and Wildlife Habitat)

Notification of Proximity to a Potential Dam Inundation Area in the Event of a Catastrophic Failure of Lake Como and Painted Rocks Dams. The subdivision may be located within the dam inundation area for the Lake Como and Painted Rocks Dams. A map of the probable extent of the inundation areas is included as an exhibit to this document [the subdivider shall include the exhibit as an attachment]. (Section 3-2-8(b)(v)(F), RCSR, Effects on Public Health and Safety)

Notification of Severe Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as severe for roads and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils are included as exhibits to this document. (The subdivider shall include the exhibits as attachments) (Section 3-2-8(b)(v)(F), RCSR, Effects on Public Health and Safety)

Notification of Potential Radon Exposure. There exists a potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department or the United States EPA for further information. (Section 3-2-8(b)(v)(F), RCSR, Effects on Public Health & Safety)

Notification regarding Junk Vehicles. Junk vehicles are required to be removed, shielded, or repaired in accordance with the Montana Motor Vehicle Recycling and Disposal Act, Title 75, Chapter 10, Part 5, MCA. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Public Health & Safety)*

2. Protective covenants for this subdivision shall be submitted with the final plat of each phase and shall include the following provisions:

Posting of County-Issued Addresses for Lots within this Subdivision. The Stevensville Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the accessway leading to each lot as soon as construction on the structure begins. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*

Access Requirements for Lots within this Subdivision. The Stevensville Rural Fire District has adopted the Fire Protection Standards. All accesses over 150' in length must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Stevensville Rural Fire District for further information. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. *(Section 3-2-8(b)(v)(A, D), RCSR, Effects on Agriculture and Natural Environment)*

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Section 3-2-8(b)(v), RCSR, Effects on all six criteria)*

3. The subdivider shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services)*
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within the proposed phase. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*
5. Prior to final plat approval, the subdivider shall provide a letter from the Stevensville Rural Fire District stating that the subdivider have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdivider may provide evidence that a \$500 or \$900-per-lot contribution (as determined by the Fire District) has been made to the Stevensville Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety)*

6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Stevensville Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Stevensville Rural Fire Department for further information". (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)
7. The subdivider shall negotiate mitigation with the BCC to alleviate identified effects of the subdivision on the Stevensville School District. The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)
8. The subdivider shall work with the Stevensville School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of Kaycee Way and Stevensville River Road. The subdivider shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the subdivider shall complete the improvements prior to final plat approval. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)
9. The subdivider shall negotiate mitigation with the BCC to alleviate identified effects of the subdivision on Public Safety Services (Sheriff, E-911, DES). The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health & Safety*)
10. The internal subdivision roads shall be labeled as "public road and utility easements" on the final plat. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)
11. The subdivider shall submit an updated road maintenance agreement (RMA) for Canyon Breeze Court that includes the residents of the Canyon Breeze Subdivision and the East End, Lot 1, AP subdivision. The amended Road Maintenance Agreement shall include the required provisions as outlined within Section 3-1-5(a)(xxviii), RCSR. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)
12. The subdivider shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Stevensville post office's standards, and that the installation has been approved by the Stevensville Post Office prior to final plat approval. Alternatively, the subdivider shall provide evidence from the Stevensville Post Office that a CBU(s) is not required. (*Section 3-2-8(b)(v)(C), RCSR, Effects on Local Services*)
13. The following statement shall be shown on the face of the final plat: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (*Section 3-2-8(b)(v)(D), RCSR, Effects on the Natural Environment*)
14. The final locations of all wells (center of well) and drainfields (corners of drainfield), as approved by MDEQ, shall be staked on the ground prior to final plat approval. The stakes shall be removed at such time as the well and drainfield are installed. (*Section 3-2-8(b)(v)(D), RCSR, Effects on the Natural Environment*)

RECOMMENDED MITIGATING CONDITION OF APPROVAL SPECIFIC TO PHASE I

15. Beginning on the western side of the planned internal road Moonrise Ct., the subdivider shall construct a paved 5-foot wide separated pedestrian pathway along the southern side of Canyon Breeze Court, excepting the planned intersection of Peak View Drive, to intersect with the existing pedestrian pathway located within the U.S. Highway 93 right-of-way. Prior to construction the subdivider shall work with MDT, who shall approve of the design and location of the pathway intersection before construction begins. The subdivider shall submit correspondence from MDT showing that the location and design of the pathway intersection has been approved prior to final plat approval. (*Section 3-2-8(b)(v)(F) and Section 5-7-8, RCSR, Effects on Local Services and Public Health & Safety*)

RECOMMENDED MITIGATING CONDITION OF APPROVAL SPECIFIC TO PHASE II

16. A 7.5-foot wide irrigation easement shall be shown along the southern boundaries of Lots 11 and 12. (*Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)
17. The internal road, Moonrise Ct., shall be constructed pursuant to the approved road plans. (*Final Plat Requirements 1, 16, 17 & 26*)
18. The subdivider shall construct a paved 5-foot wide separated pedestrian pathway along the western side of Moonrise Ct. to intersect with the pathway constructed during Phase 1, as shown on the preliminary plat. (*Section 3-2-8(b)(v)(F) and Section 5-7-8, RCSR, Effects on Local Services and Public Health & Safety*)

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL SPECIFIC TO PHASE III

19. The final plat shall show a no-ingress/egress zone along the Stevensville River Road frontage of the subdivision, excepting the approved "emergency access only" approach for Kaycee Way, as approved by the Ravalli County Road & Bridge Department. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health and Safety*)
20. The subdivider shall submit correspondence from the Stevensville Rural Fire District stating that they have reviewed and approved of the final design of the emergency access onto Stevensville River Road. (*Section 3-2-8(b)(v)(C, F), RCSR, Effects on Local Services and Public Health and Safety*)
21. The internal roads, Peak View Drive, Kaycee Way, and Fish Hawk Ct., and the emergency access, shall be constructed pursuant to the approved road plans. Additionally, all road name and traffic control signs shall be installed. (*Final Plat Requirements 1, 16, 17 & 26*)
22. The subdivider shall construct paved 5-foot wide pedestrian pathways along the following routes, as shown on the preliminary plat:
 - a. Along the length of the east side of Peak View Drive, from its intersection with Canyon Breeze Court to its intersection with Kaycee Way;
 - b. Along the length of the north side of Kaycee Way;
 - c. Along the western side of Peak View Drive from its intersection with Kaycee Way to the cul-de-sac; and
 - d. Along the length of the west side of Fish Hawk Ct.(*Section 3-2-8(b)(v)(F) and Section 5-7-8, RCSR, Effects on Local Services and Public Health & Safety*)

RECOMMENDED MITIGATING CONDITION OF APPROVAL SPECIFIC TO PHASE IV

23. A 7.5-foot wide irrigation easement shall be shown along the northern boundary of Lots 14 and 15. (Section 3-2-8(a), *Prerequisites to Approval and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

RECOMMENDED MITIGATING CONDITION OF APPROVAL SPECIFIC TO PHASE V

24. A 15-foot wide irrigation easement shall be centered along the shared boundary of Lots 9 and 13 and shall continue south along the western edge of Lot 13 to the point where the existing irrigation ditch, as shown on the preliminary plat, enters the property. (Section 3-2-8(a), *Prerequisites to Approval and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal for each phase, as applicable, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq. Infrastructure improvements, as shown on the preliminary plat, are required to be installed prior to the filing of each phase. [Staff Note: items in strikethrough are not applicable to this subdivision]

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required, when applicable, to be shown on the Final Plat:
 - a. Project name
 - b. Title block
 - c. Certificate of registered owner – notarized
 - d. Certificate of registered land surveyor with seal
 - e. Certificate of governing body approval
 - f. Signature block for Clerk and Recorder, preferably in lower right hand corner
 - g. Certificate of public dedication
 - h. Certificate of park cash-in-lieu payment
 - i. Other certifications as appropriate
 - j. North arrow
 - k. Graphic scale
 - l. Legal description
 - m. Property boundaries (bearings, lengths, curve data)
 - n. Pertinent section corners and subdivision corners
 - o. Names of adjoining subdivisions/certificates of survey
 - p. Monuments found
 - q. Witness monuments
 - r. Acreage of subject parcel
 - s. Curve data (radius, arc length, notation of non-tangent curves)
 - t. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - u. Lots and blocks designated by number (dimensions/acreage)
 - v. Easements/rights of ways (location, width, purpose, ownership)
 - w. Dedication for public use (boundaries, area, purpose)
 - x. No-build/alteration zones

- y. No-ingress/egress zones
 - z. Water resources (rivers, ponds, etc.)
 - aa. Floodplains
 - bb. Irrigation canals including diversion point(s), etc.
 - cc. High-pressure gas lines
 - dd. Existing and new roads (names, ownership, etc.)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
 4. ~~Any variance decisions shall be submitted with the final plat submittal.~~
 5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
 6. The final plat review fee shall be submitted with the final plat submittal.
 7. A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
 8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
 9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
 10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
 11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
 12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication, shall be submitted with the final plat submittal.
 13. Road and driveway approach and encroachment permits shall be submitted with the final plat submittal.
 14. Evidence of a Ravalli County-approved road name petition(s) for each new road shall be submitted with the final plat submittal.
 15. ~~Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineered plans shall be submitted with the final plat submittal.~~
 16. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.
 17. Road certification(s) shall be submitted with the final plat submittal.
 18. Utility availability certification(s) shall be submitted with the final plat submittal.
 19. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal.
 20. ~~A signed and notarized master irrigation plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property shall be submitted with the final plat submittal.~~
 21. ~~A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch shall be submitted with the final plat submittal.~~
 22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
 23. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.

24. A copy of the letter sent to the appropriate school district(s) stating the subdivider has made a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities shall be submitted with the final plat submittal.
25. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations shall be submitted with the final plat submittal.
26. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.)
 - a. Specific infrastructure improvements that may be required for this subdivision are the construction of the internal subdivision roads, installation of stop signs and road name signs, installation of the emergency access roadway and knockdown bollards, construction of the pedestrian pathways, installation of the CBU and concrete slab, construction of the bus shelter and/or turnout, and irrigation facilities.

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utility easements are located along Canyon Breeze Court and Stevensville River Road. (Canyon Breeze Preliminary Plat)
2. Proposed utility easements will be located within the 60-foot public road and public utility easements for the internal roadways. (Canyon Breeze Preliminary Plat)

Conclusions of Law

1. Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)
2. The proposed subdivision application provides for public utility easements. (Staff Determination)

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property is accessed via U.S. Highway 93 and Canyon Breeze Court, an existing privately maintained roadway within a public easement. (Canyon Breeze Preliminary Plat)
2. U.S. Highway 93 is a state-maintained, publicly accessible roadway. (MDT)
3. Canyon Breeze Court is a privately maintained County-standard road that serves the East End, Lot 1 subdivision. (Canyon Breeze Preliminary Plat)
4. The subdivider has proposed to construct an internal road system meeting County-standards. The internal road system will connect to Canyon Breeze Court and Stevensville River Road via an emergency only access. (Canyon Breeze Subdivision Application – Element xxxvi, Canyon Breeze Preliminary Plat)
5. Each proposed lot will abut the internal road network. (Canyon Breeze Preliminary Plat)
6. There are no physical obstructions preventing access to the site from U.S. Highway 93 (Staff Site Visit 07/19/10)

Conclusions of Law

1. Legal Access will be provided to each proposed lot within the subdivision via U.S. Highway 93, a state-maintained roadway, Canyon Breeze Court, an existing privately-maintained roadway, and via an internal road system that will be constructed to county-standards for new construction. Additionally, an emergency only access will connect the internal road network with Stevensville River Road. (Staff Determination)
2. Based on the facts that there are no elements or features preventing unobstructed access to the site, there are no elements or features preventing unobstructed access to the proposed lots on-site, and that a Road Maintenance Agreement will be filed with the final plat, the subject property will have physical access. (Staff Determination)

- C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

Findings of Fact

1. Based on recommended conditions and final plat requirements in accordance with Section 3-4-4(a) of the RCSR, Specific infrastructure improvements that may be required for this subdivision are the construction of the internal subdivision roads, installation of stop signs and road name signs, installation of the emergency access roadway and knockdown bollards, construction of the pedestrian pathways, installation of the CBU and concrete slab, construction of the bus shelter and/or turnout, and irrigation facilities.
2. In accordance with Section 3-4-2 of the RCSR, the subdivider may enter into a Subdivision Improvements Agreement and Guaranty, securing the required improvements through a bond, letter of credit, or other acceptable security.

Conclusions of Law

1. The subdivider is required to submit evidence that the improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirements 1 and 26).
2. The final plat requirements or a Subdivision Improvements Agreement and Guaranty will ensure that all improvements are installed. (Staff Determination)

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 of the RCSR have been considered and will be accomplished before the final plat is submitted.**

Finding of Fact

There are no water rights associated with the subject property. (Canyon Breeze Subdivision Application – Element i)

Conclusion of Law

Since the property does not have water rights, this prerequisite does not apply. (Staff Determination)

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 of the RCSR have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. An existing irrigation ditch enters the property on the western boundary of proposed Lot 13 and continues north, at which point the irrigation ditch has been abandoned. (Canyon Breeze Preliminary Plat)
2. A proposed 15-foot wide irrigation easement, to benefit downstream water users, will be located along shared boundaries of Lots 9 and 13, 10 and 14, 11 and 15, and 12 and 16, culminating on the southwestern boundary of Lot 2 of the East End subdivision. (Canyon Breeze Preliminary Plat)

Conclusions of Law

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
 - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation

- district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
- (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. With the proposed location of the 15-foot wide irrigation easement, the proposal will conform with the provisions of 76-3-504(1)(k), MCA. (Staff Determination)

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

1. The proposal is for a 25 lot residential major subdivision. (Canyon Breeze Subdivision Application – Element i)
2. Donation or reservation of 1.44 acres of land, or its cash equivalent, is required to meet the parkland donation requirement. (Canyon Breeze Subdivision Application – Element i)
3. The subdivider has proposed to provide cash-in-lieu of parkland donation. (Canyon Breeze Subdivision Application – Subdivision Questionnaire)
4. In a letter dated October 16, 2009, Joshua J. Biebinger, representing the Ravalli County Park Board, stated that the Ravalli County Park Board would accept a cash-in-lieu donation for this proposal. (Exhibit A-1)

Conclusions of Law

1. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)
2. Section 6-1-5(a) of the RCSR provides that the developer shall accomplish one, or any combination, of the following:
 1. Make a land donation to the County;
 2. Make a cash donation to the County;
 3. Reserve land within the subdivision for the recreational uses for those within the development; and/or
 4. Reserve land for one or more of the following purposes:
 - a. Protection of critical wildlife habitat;
 - b. Protection of cultural, historical, or natural resources;
 - c. Protection of agricultural interests, including preservation of agricultural land and creation of buffers; or
 - d. Protection of aesthetic values, including open space and scenic vistas.(See: 76-3-621(6)(b), MCA)
3. The subdivider has proposed parkland dedication that meets State Law requirements. (Staff Determination)

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The lot layout as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Canyon Breeze Preliminary Plat)
2. This development proposal has followed the necessary application procedures and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. (Canyon Breeze Subdivision File and Staff Determination)
3. The application includes all necessary and applicable information sufficient for public review. (Staff Determination)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable substantive requirements in the RCSR. (Staff Determination)
2. The procedures for the application and review of this proposed subdivision have been followed. (Staff Determination)

B. Applicable zoning regulations.

Finding of Fact

There are no applicable zoning regulations affecting the proposed subdivision. (Staff Determination)

Conclusion of Law

Compliance with zoning regulations is not applicable for this proposal. (Staff Determination)

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no existing covenants or deed restrictions on the property (Ravalli County Clerk and Recorder's Office)

Conclusion of Law

Compliance with covenants or deed restrictions is not applicable for this proposal. (Staff Determination)

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (Floodplain, U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The subdivider was made aware of the applicable regulations at the pre-application conference held on May 21, 2009. (Canyon Breeze Subdivision Application – Element i)
3. Prior to final plat approval, the subdivider is required to submit applicable permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusions of Law

1. Prior to final plat approval, the subdivider is required to submit applicable permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

2. With the requirements of final plat approval, the application will meet all of the applicable regulations. (Staff Determination)

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The subject parcel is classified for tax purposes as vacant land rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
2. There are no properties classified as agricultural within 300 feet of the subject property. The majority of properties surrounding the proposal are classified for tax purposes as commercial rural and residential rural, and range in size from one to three acres. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and Canyon Breeze Preliminary Plat)
3. Soils data obtained from the NRCS Web Soil Survey indicate that soils located on or adjacent to the subject property are classified not-prime farmland. (NRCS Web Soil Survey)
4. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated common tansy, Canadian thistle, knapweed, sulfur cinquefoil, and ox-eye daisy were found on the property. (Canyon Breeze Subdivision Application – Element xxviii)
5. The property is not currently being used for any agricultural activities (Canyon Breeze Subdivision Application – Element i, Staff Site Visit 07/19/10)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agriculture. (MCA 76-3-608(3), Section 3-2-7(b)(1), RCSR)
2. The proposal will not have an impact on prime farmland soils or farmland soils of statewide importance, as there are none located on or adjacent to the subject property. (Staff Determination)
3. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a re-vegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
4. The approved Ground Disturbance and Noxious Weed Management Plan will be submitted prior to final plat approval. (Final Plat Requirement 11)
5. With the mitigating condition of approval and requirement of final plat approval, the impacts of the subdivision on agriculture will be reduced. (Staff Determination)

Recommended Condition to Mitigate the Effects on Agriculture

A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. There are no water rights associated with the subject property. (Canyon Breeze Subdivision Application – Element i and xxv)
2. An existing irrigation ditch enters the property on the western boundary of proposed Lot13 and continues north, at which point the irrigation ditch has been abandoned. (Canyon Breeze Preliminary Plat)

3. A proposed 15-foot wide irrigation easement, to benefit downstream water users, will be located along shared boundaries of Lots 9 and 13, 10 and 14, 11 and 15, and 12 and 16, culminating on the southwestern boundary of Lot 2 of the East End subdivision. (Canyon Breeze Preliminary Plat)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on agricultural water user facilities. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(B))
2. Since the property does not have water rights, conformance with the provisions of 76-3-504(1)(j) is not required. (Staff Determination)
3. With the proposed location of the irrigation easement, the proposal will conform with the provisions of 76-3-504(1)(k), MCA. (Staff Determination)
4. With the mitigating conditions and requirements of final plat approval, impacts of the subdivision on agricultural water user facilities will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effect on Agricultural Water User Facilities

- A notification of the location of irrigation easements will be included within the Notifications Document filed with the subdivision. (Condition 1)
- A 15-foot wide irrigation easement, as shown on the preliminary plat, shall be shown on the final plat. (Conditions 16, 23 and 24)

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the Stevensville Rural Fire District (SRFD). (Canyon Breeze Subdivision Application – Subdivision Questionnaire, Ravalli County GIS Data)
2. The SRFD has a station approximately one mile southeast of the proposed subdivision. (Ravalli County GIS)
3. The SRFD, as a member of the Ravalli County Fire Council, has adopted Fire Protection Standards (FPS), which address access, posting of addresses, and on-site water supply requirements. The Fire Protection Standards also state that in lieu of an on-site water supply, a cash contribution in the amount of \$900 per lot is acceptable. (Exhibit A-2)
4. The Ravalli County Planning Department sent notification letters to the SRFD requesting comments on the proposal on September 30, 2009 and July 9, 2010. (Canyon Breeze Subdivision File)
5. SRFD Chief Brad Lord signed correspondence provided by Territorial-Landworks on July 2, 2009 (Canyon Breeze Subdivision Application – Agency Correspondence) stating that the SRFD does not oppose the emergency only access onto Stevensville River Road. Comments received from the SRFD regarding the initial 14-lot proposal stated that the emergency only access was acceptable with the following conditions:
 - The interior subdivision road should end at the eastern edge of the subdivision as close to Stevensville River Road as possible.
 - The interior subdivision road should terminate in a cul-de-sac.
 - The Fire Department would like to review the final design of the emergency access prior to final plat approval.
6. Kaycee Way will provide a through connection to Stevensville River Road and will function as an emergency only access. Knock down bollards will be installed to prohibit through traffic and limit physical access. (Canyon Breeze Preliminary Plat)
7. The subdivider states that there will be a proportionate increase in service needs based on the addition of new homes. (Canyon Breeze Subdivision Application – Element xli)
8. The subdivider is proposing a cash donation in lieu of the required on-site water storage and water supply as outlined within the FPS. (Canyon Breeze Subdivision Application – Element xli)

School District

9. With this subdivision at full build-out, it is estimated that approximately 12 to 13 school-aged children will be added to the Stevensville School District, assuming an average of 0.5 children per household (Census 2000).
10. The Ravalli County Planning Department sent notification letters to the Stevensville School District requesting comments on the proposal on September 30, 2009 and July 9, 2010. (Canyon Breeze Subdivision File)
11. In a letter dated October 12, 2009, Kent Kultgen, Stevensville Schools Superintendent, stated that the Stevensville School District would accommodate any additional students that moved into the District's boundaries, as there are no caps on enrollments. The letter continues to state that the subdivision should provide for a safe pick-up/drop off zone for school bus children and that a \$2,500 per lot mitigation fee would be greatly appreciated as the monies would help offset the costs of additional students. (Exhibit A-3)
12. County School Superintendent, Ernie Jean, provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. The budget is based approximately on the previous school years student enrollment figures and does not anticipate costs associated with the addition of new students. According to the document, the budget per pupil is \$9,083.50 for the Stevensville School District (averaging Stevensville High School and Stevensville Elementary) which includes capital needs and funds gathered from federal, state, and local sources. The local tax levy per pupil excluding capital, federal, and state funds would be \$2,711.00 for the Stevensville School District (averaging Stevensville High School and Stevensville Elementary). (Exhibit A-4)
13. Taxes from new residents may not be immediately available School Districts. There is currently no known available data on the average amount of time between when additional students from new residences will enroll in the School District and when School Districts receive tax money from the new residences. Because there may be a lag in the time services are provided and taxes are collected, the subdivider shall negotiate an adequate form of mitigation with the BCC. (Staff Determination)
14. Based on the currently available Census data (0.5 children per household) and available budget data, the expected taxes per household levied per pupil, excluding capital costs, within the Stevensville High School and Elementary School District would be \$1,355.50, which is half of the \$2,711.00 tax levy per public excluding capital budget allotment for the Stevensville School District (averaging Stevensville High School and Stevensville Elementary). This amount (\$1,355.50) should be taken into consideration and may be utilized as the basis for negotiating an adequate form of mitigation to offset any effects that this subdivision may have on the Stevensville High School and Elementary School Districts. Monetary contributions are not the only acceptable form of mitigation. (Staff Determination)
15. The County School Superintendent, Ernie Jean, sent a letter to the Ravalli County Commissioners stating that the Ravalli County Educational Transportation Committee has adopted a resolution requesting that the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and turnout, or turnaround, if appropriate, at each subdivision entrance that is off a County owned and maintained road. (Exhibit A-5)
16. The subdivider states that there will be a proportionate increase in service needs based on the addition of new homes. (Canyon Breeze Subdivision Application – Environmental Assessment)
17. The subdivider has proposed a \$500 per-lot contribution to mitigate the potential increase in enrollment within the Stevensville School District. (Canyon Breeze Subdivision Application – Element xli)

Public Safety Services

18. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Canyon Breeze Subdivision Application – Element i and xli)

19. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on September 30, 2009 and July 9, 2010, but no comments have been received to date. (Canyon Breeze Subdivision File)
20. The average number of people per household in Ravalli County is 2.5. This subdivision has the potential to add up to 63 additional residents to the County. (Census 2000)
21. Taxes from new residents may not be immediately available to law enforcement services, E-911, and Disaster & Emergency Services (DES). There is currently no known available data on the average amount of time between when public safety services begin to serve a new residence and when public safety services receive tax money from that residence. Because there may be a lag in the time services are provided and taxes are collected, the subdivider shall negotiate an adequate form of mitigation with the BCC. (Staff Determination)
22. The subdivider has not proposed to mitigate the potentially significant adverse impacts the subdivision may have on public safety services. (Canyon Breeze Subdivision Application – Element xli)

Emergency Services

23. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly Hospital was contacted on September 30, 2009 and July 9, 2010, but no comments have been received to date. (Canyon Breeze Subdivision File)
24. Marcus Daly Memorial Hospital is not funded by local taxes. (Staff Determination)
25. The proposed emergency access onto Stevensville River Road will provide an additional access route to and from the subdivision, resulting in a potential increased service level for emergency service providers. (Staff Determination)

Roads

26. The property can be accessed via U.S. Highway 93, Canyon Breeze Court, and the internal roadway network. (Canyon Breeze Subdivision Application)
27. This subdivision is estimated to generate an additional 200 vehicular trips per day onto U.S. Highway 93. This estimation is based on the information contained in the Institute of Traffic Engineers – *Trip Generation* manual, which states that each lot will likely generate eight (8) vehicular trips per day. (Canyon Breeze Subdivision Application – Subdivision Questionnaire)
28. U.S. Highway 93 is a state-maintained roadway. (MDT)
29. Canyon Breeze Court is an existing County-standard privately-maintained roadway within a 60' public road and utility easement. (Canyon Breeze Preliminary Plat)
30. Canyon Breeze Court provides legal and physical access to the adjoining subdivision to the east: East End, Lot 1, AP. There is an existing Road Maintenance Agreement for Canyon Breeze Court that needs to be amended to include the lots created via this subdivision in addition to the lots already served. (Staff Determination, Canyon Breeze Preliminary Plat and Canyon Breeze Subdivision Application – Element xxxviii)
31. The internal roadway network is proposed to be located within 60' public road and utility easements and be privately-maintained. (Canyon Breeze Preliminary Plat)
32. The preliminary road plans for the internal roadway network were approved June 25, 2010 by the Ravalli County Road and Bridge Department (RCRBD). (Canyon Breeze Subdivision Application – Element xxxvi)
33. The subdivider provided an approach permit issued by Glen Cameron of MDT. (Canyon Breeze Subdivision Application – Element xvii)
34. The subdivider is proposing to construct the internal road network to County-standards. In addition, an emergency access will be constructed connecting to Stevensville River Road. Knock down bollards are proposed to prevent through traffic and limit the accesses use for emergency purposes only. (Canyon Breeze Subdivision Application – Element xxxvi)
35. The subdivider is required to comply with Section 5-8-1 of the RCSR relating to grading and drainage plans. Grading and drainage plans were submitted to the RCRBD in accordance with Section 5-8-1, RCSR. (Canyon Breeze Subdivision Application – Element xxxvi)

Pedestrian Facilities

36. The subdivider is proposing to construct a 5-foot wide gravel pedestrian pathway along the one side of all internal roadways. (Canyon Breeze Preliminary Plat)
37. An existing paved pedestrian pathway runs parallel to U.S. Highway 93 west of the subdivision within the U.S. Highway 93 right-of-way. (Site Visit – 07/19/10)

Water and Wastewater Districts

38. Individual wells and wastewater treatment systems are proposed to serve the lots. (Canyon Breeze Subdivision Application – Element xii)

Solid Waste Services

39. Bitterroot Disposal provides service to this site. (Canyon Breeze Subdivision Application – Subdivision Questionnaire)
40. Notification letters were sent to Bitterroot Disposal requesting comments on September 30, 2009 and July 9, 2010, but no comments have been received to date. (Canyon Breeze Subdivision File)

Postal Service

41. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS. (Exhibit A-6)

Utilities

42. Existing utility easements are located along Canyon Breeze Court and Stevensville River Road as shown on the plat. (Canyon Breeze Preliminary Plat)
43. Proposed utility easements are located along the internal roadway network as shown on the plat. (Canyon Breeze Subdivision Preliminary Plat)
44. The proposed subdivision will be served by Northwestern Energy Company and Qwest Communications. (Canyon Breeze Subdivision Application – Element i)
45. Notification letters were sent to Northwestern Energy Company and Qwest Communications requesting comments on September 30, 2009 and July 9, 2010, but no comments have been received to date. (Canyon Breeze Subdivision File)

Conclusions of Law

1. A subdivision proposal must be reviewed for its impacts on local services. (MCA 76-3-608(3), Section 3-2-7(b)(3), RCSR)

Fire District

2. Each lot shall be located within a fire district. (Section 5-7-4(a), RCSR)
3. Because the subject property is located within the Stevensville Rural Fire District, the proposal complies with Section 5-7-4(a), RCSR. (Staff Determination)

School District

4. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal. (Final Plat Requirement 24)
5. A governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services. (MCA, 76-3-608(1))

6. Impact fees can be levied only when a jurisdiction has followed the guidelines and requirements as specified within 7-6-1601, *et seq.*, MCA. The Stevensville School District has not completed an Impact Fee Study nor has the Board of County Commissioners adopted impact fees. (Staff Determination)

Roads

7. A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)
8. The subdivider shall submit final approved approach permit from the Montana Department of Transportation prior to final plat approval. (Final Plat Requirement 13)
9. The subdivider shall submit evidence of a Ravalli County-approved road name petition(s) for each new road, which shall be submitted with the final plat submittal. (Final Plat Requirement 14)
10. Final Road Plans and Grading and Storm Water Drainage Plans shall be submitted with the final plat submittal. (Final Plat Requirement 16)
11. Road certification(s) shall be submitted with the final plat submittal. (Final Plat Requirement 17)
12. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal. (Final Plat Requirement 19)
13. Traffic control signs shall be installed in accordance with the preliminarily approved road plans. (RCSR Section 5-4-10)
14. Road name signs shall be installed at each intersection. (RCSR Section 5-4-11(a))

Pedestrian Facilities

15. Off-site and on-site improvements may be required, as appropriate, to ensure pedestrian safety. (RCSR Section 5-4-8)
16. Providing new and interconnected paved pedestrian facilities will greatly enhance the usability and safety for residents of the proposed Canyon Breeze Subdivision, by providing for alternate means of pedestrian travel than the internal roadway network. (Staff Determination)

Water and Wastewater Districts

15. The subdivider has provided minimum necessary information for public review as required by 76-3-622, MCA. (Canyon Breeze Subdivision Application – Element xii)

Solid Waste Services

16. The method of solid waste disposal was specified during preliminary plat review, as required by RCSR Section 5-7-2(a).

Mail Delivery Services

17. Where mail delivery will not be provided to each individual lot, the subdivider shall provide an off-road area for central mail delivery within the subdivision. (RCSR Section 5-7-3)

Utilities

18. Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)
19. The subdivider shall submit utility availability certifications prior to final plat approval. (Final Plat Requirement 18)

Overall Finding

20. With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Local Services

- The notifications document filed with the final plat shall include a statement notifying lot owners of the no ingress/egress restriction, road maintenance agreement, and wastewater treatment system maintenance. (Condition 1)
- The protective covenants shall include provisions regarding posting of addresses and construction of accesses in accordance with fire district standards (Condition 2)
- The subdivider shall include an RSID/SID waiver. (Condition 3)
- The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)
- Prior to final plat approval, the subdivider shall provide a letter from the Stevensville Rural Fire District stating that the subdivider have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdivider may provide evidence that a \$500 or \$900-per-lot contribution (as determined by the Fire District) has been made to the Stevensville Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)
- The following statement shall be shown on the final plat: "The Stevensville Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Stevensville Rural Fire District for further information". (Condition 6)
- The subdivider shall negotiate adequate mitigation with the BCC to alleviate effects of the subdivision on the Stevensville School District. The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 7)
- The subdivider shall work with the Stevensville School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of Canyon Breeze Drive and Eastside Highway. The subdivider shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the subdivider shall complete the improvements prior to final plat approval. (Condition 8)
- The subdivider shall negotiate adequate mitigation with the BCC to alleviate effects of the subdivision on Public Safety Services (Sheriff, E-911, DES). The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 9)
- The internal subdivision roads shall be labeled as "public road and utility easements" on the final plat. (Condition 10)
- The subdivider shall submit an updated road maintenance agreement (RMA) for Canyon Breeze Court that includes the residents of the Canyon Breeze Subdivision and the East End, Lot 1, AP subdivision. The amended Road Maintenance Agreement shall include the required provisions as outlined within Section 3-1-5(a)(xxxviii), RCSR. (Condition 11)
- The subdivider shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Stevensville post office's standards, and that the installation has been approved by the Stevensville Post Office prior to final plat approval. Alternatively, the subdivider shall provide evidence from the Stevensville Post Office that a CBU(s) is not required. (Condition 12)
- Beginning on the western side of the planned internal road Moonrise Ct., the subdivider shall construct a paved 5-foot wide separated pedestrian pathway along the southern side of Canyon Breeze Court, excepting the planned intersection of Peak View Drive, to intersect with the existing pedestrian pathway located within the U.S. Highway 93 right-of-way. Prior to construction the subdivider shall work with MDT, who shall approve of the design and location of the pathway intersection before construction begins. The subdivider shall submit correspondence from MDT showing that the location and design of the pathway intersection has been approved prior to final plat approval. (Condition 15)

- *The subdivider shall construct a paved 5-foot wide separated pedestrian pathway along the western side of Moonrise Ct. to intersect with the pathway constructed during Phase 1, as shown on the preliminary plat. (Condition 18)*
- *The final plat shall show a no-ingress/egress zone along the Stevensville River Road frontage of the subdivision, excepting the approved "emergency access only" approach for Kaycee Way, as approved by the Ravalli County Road & Bridge Department. (Condition 19)*
- *The subdivider shall submit correspondence from the Stevensville Rural Fire District stating that they have reviewed and approved of the final design of the emergency access onto Stevensville River Road. (Condition 20)*
- *The subdivider shall construct paved 5-foot wide pedestrian pathways along the following routes, as shown on the preliminary plat (Condition 22):*
 - a. *Along the length of the east side of Peak View Drive, from its intersection with Canyon Breeze Court to its intersection with Kaycee Way;*
 - b. *Along the length of the north side of Kaycee Way;*
 - c. *Along the western side of Peak View Drive from its intersection with Kaycee Way to the cul-de-sac; and*
 - d. *Along the length of the west side of Fish Hawk Ct.*

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Surface Water Features

1. The Bitterroot River and its associated riparian areas, lies directly to the east of the subject property, separated by Stevensville River Road. (Ravalli County GIS, Canyon Breeze Preliminary Plat)
2. The property is not located within the 100-year floodplain of the Bitterroot River. (Federal Emergency Management Agency - Flood Insurance Rate Map-30081C0110 C)

Ground Water Quality

3. The subdivider is proposing individual wells and wastewater treatment facilities. (Canyon Breeze Subdivision Application – Element xii)
4. The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Canyon Breeze Subdivision Application – Element xii)
5. Groundwater monitoring occurred on the site in 2006. In a letter dated July 18, 2006 the Ravalli County Environmental Health Department stated that the measurement to groundwater was 72 or greater and that a standard wastewater treatment system would have the potential of being approved. (Canyon Breeze Subdivision Application – Element xii)
6. The non-degradation calculations for nitrate sensitivity and phosphorous breakthrough meet adopted state requirements. (Canyon Breeze Subdivision Application – Element xii)
7. The Board of Health (BOH) submitted a standard comment letter to be considered for all subdivision proposals on August 17, 2009 (Exhibit A-8). Within the letter, the BOH requests that provisions requiring maintenance of wastewater treatment systems be included as covenants or a notification to landowners.
8. In a letter submitted by the BOH specific to the Canyon Breeze Subdivision (Exhibit A-9), the BOH made the following recommendations:
 - The subdivider should use shared wells to create a greater factor of safety in the setbacks from drainfields.
 - Irrigation ditches should be permanently abandoned or re-routed.
 - Drainfields should be combined in a few central locations and away from the river and/or upgraded to Level 2 treatment.

- The subdivider should create a mandatory water and wastewater maintenance district for the project.
- If the first four recommendations are not implemented then all house sites, wells and drainfields should be staked to insure they will be located safely and item 4 from the August 17, 2009 letter be required.

Air Quality

9. This proposed subdivision would add 25 new homes to an area of existing medium density development northwest of Stevensville. (Canyon Breeze Preliminary Plat)
10. The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade.
11. Sources of particulate from this subdivision could include vehicles and wood-burning stoves. (Staff Determination)
12. The Board of Health (BOH) submitted a standard comment letter to be considered for all subdivision proposals on August 17, 2009 (Exhibit A-8). Within the letter, the BOH requests that wood burning stoves meet EPA rated low emission standards and that new lot owners are notified of the rules associated with open burning.

Light Pollution

13. The addition of 25 new residential homes in an area that currently has medium density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)

Vegetation

14. The subdivider submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated common tansy, Canadian thistle, knapweed, sulfur cinquefoil, and ox-eye daisy were found on the property. (Canyon Breeze Subdivision Application – Element xxviii)
15. The Montana Natural Heritage Program identified the Western Pearl-flower, Columbia Water-meal, and Shining Flatsedge as plant species of concern within the same section as the subject property. (Canyon Breeze Subdivision Application – Sensitive Species Report)
16. Following an on-site investigation, ecological consultant Joe C. Elliot states within the Sensitive Species Report that the plant species of concern identified by the Montana Natural Heritage Program were not located on the property. The property can be classified as dryland pasture made up of agronomic grasses and invasive weeds. (Canyon Breeze Subdivision Application – Elements xxxvii and xli)

Noise Levels

17. This subdivision is adjacent to the Bitterroot River. (Canyon Breeze Preliminary Plat, Ravalli County GIS)
18. Due to the proximity of this proposed subdivision to the Bitterroot River, there is a possibility of conflict between waterfowl hunters and residents of the subdivision. Waterfowl hunting occurs from early morning until sunset, and the season can run from September into January. This is based on comments submitted by Montana Fish, Wildlife, & Parks (MFWP). (Staff Determination)

Historical/Archeological Sites

16. An email from Damon Murdo of the Montana State Historic Preservation Office confirms that there is a low likelihood of cultural properties being impacted by the subdivision and thus did not

require a cultural resource inventory to be completed for the subject property. (Canyon Breeze Subdivision Application – Element xxvii)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on the natural environment. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(D))

Surface Water Features

2. Wells must be setback a minimum of 10 horizontal feet from all property boundaries and 100 horizontal feet from all drainfields. (ARM 17.36.323, Table 3)
3. The Bitterroot River is located in close proximity to the proposed subdivision. (Staff Determination)

Ground Water Quality

4. The initial RCEH submittal indicates that the site should be suitable for the proposed wells and septic systems. This will be verified with the submittal of the DEQ Certificate of Subdivision Approval that is required to be submitted prior to final plat approval. (Staff Determination and Final Plat Requirement 9)

Air Quality

4. Open burning season is administered and enforced by the MDEQ and is allowed between March 1st and August 31st. (ARM 17.8.606)

Vegetation

5. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (MCA 7-22-2152)
6. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision. (Final Plat Requirement 11)

Overall Finding

7. Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Natural Environment

- The notifications document shall include a recommendation that EPA-certified wood stoves should be installed to reduce air pollution and that wood burning stoves should not be used as the primary heat source, recommend full cut-off lighting on new construction, recommended maintenance schedules for wastewater treatment systems, and notification of open burning season timeframes. (Condition 1)
- A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)
- The following statement shall be shown on the face of the final plat: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 13)

- *The final locations of all wells (center of well) and drainfields (corners of drainfield), as approved by MDEQ, shall be staked on the ground prior to final plat approval. The stakes shall be removed at such time as the well and drainfield are installed. (Condition 14)*

CRITERION 5: EFFECTS ON WILDLIFE

Findings of Fact:

1. Notification letters were sent to Montana Fish, Wildlife, & Parks requesting comments on September 30, 2009 and July 9, 2010. (Canyon Breeze Subdivision File)
2. Montana Fish, Wildlife, & Parks submitted comments requesting the inclusion of "Living with Wildlife" covenants. (Exhibit A-7)
3. At the time of preliminary plat submittal and according to the Montana Natural Heritage Program (MNHP), the Bull Trout, Westslope Cutthroat Trout, Bald Eagle, Black-Crowned Night Heron, Bobolink, Lewis's Woodpecker, Olive-sided Flycatcher, Canada Lynx, Gray Wolf, Western Spotted Skunk, Western Boreal Toad, and Western Skink were identified as species of concern that have been identified within the same section as the subject property. (Ravalli County GIS, Canyon Breeze Subdivision Application – Elements xxxvii and xli)
4. The subdivider contracted Joe Elliot, PHD, ecological consultant, to conduct a Sensitive Species Report. The report concludes that the proposed subdivision will have little to no impact on wildlife. (Canyon Breeze Subdivision Application – Sensitive Species Report)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))
2. The Planning Department has found that the requested "Living with Wildlife" covenants are better suited to be recorded as part of the Notifications Document as the items listed within the document are more closely identified as recommendations for landowners rather than restrictions.
3. Based on the findings within the Sensitive Species Report impacts on wildlife will be reduced. (Staff Determination)

CRITERION 6: EFFECTS ON WILDLIFE HABITAT

Findings of Fact:

1. Notification letters were sent to Montana Fish, Wildlife, & Parks requesting comments on September 30, 2009 and July 9, 2010. (Canyon Breeze Subdivision File)
2. Montana Fish, Wildlife, & Parks submitted comments requesting the inclusion of "Living with Wildlife" covenants. (Exhibit A-7)
3. The property is not located within big-game winter range. (FWP Data)
4. A Sensitive Species Report was completed to evaluate the habitat suitability for the species of concern identified by the Montana Natural Heritage Program. Based on the disturbed nature of the site and the surrounding pattern of commercial and residential development, it was determined that the subject property does not provide suitable habitat for any of the identified species of concern. (Canyon Breeze Subdivision Application – Element xxxvii)

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on wildlife habitat. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(E))
2. Based on the findings within the Sensitive Species Report and the recommended mitigating conditions of approval, impacts on wildlife habitat will be reduced. (Staff Determination)

Recommended Condition to Mitigate the Effects on Wildlife Habitat

- *The notifications document shall include recommendations for "Living with Wildlife". (Condition 1)*

CRITERION 7: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety (Vehicular and Pedestrian)

1. The property will be accessed via U.S. Highway 93, Canyon Breeze Court and the proposed internal road network. Additionally there will be an emergency access constructed and connected to Stevensville River Road. The emergency access will have knock down bollards installed to prevent through traffic. (Canyon Breeze Preliminary Plat, Ravalli County GIS)
2. The subdivider provided an approach permit issued by Glen Cameron of MDT. (Canyon Breeze Subdivision Application – Element xvii)
3. The preliminary plat shows the location of proposed stop and road name signs.
4. The subdivider is proposing to construct a 5-foot wide paved pedestrian trail that will be separated from and located along one side of all internal roadways. (Canyon Breeze Preliminary Plat)
5. The preliminary road plans were approved June 25, 2010 by the RCRBD. (Canyon Breeze Subdivision Application – xviii)

Emergency Vehicle Access and Response Time

6. The proposed subdivision will be served by the Stevensville Rural Fire District, the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department. (Canyon Breeze Subdivision Application)
7. In correspondence dated July 2, 2009 Stevensville Fire Department Chief Brad Lord signed a letter stating that the proposed emergency would be adequate at this location. (Canyon Breeze Subdivision Application – Agency Correspondence)

Water and Wastewater

8. The subdivider is proposing individual wells and wastewater facilities. The subdivider submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Canyon Breeze Subdivision Application – Element xii)
9. The non-degradation calculations for nitrate sensitivity and phosphorous breakthrough meet adopted state requirements. (Canyon Breeze Subdivision Application – Element xii)
10. The Board of Health (BOH) submitted a standard comment letter to be considered for all subdivision proposals on August 17, 2009 (Exhibit A-8). Within the letter, the BOH requests that provisions requiring maintenance of wastewater treatment systems be included as covenants or a notification to landowners.
11. In a letter submitted by the BOH specific to the Canyon Breeze Subdivision (Exhibit A-9), the BOH made the following recommendations:
 - The subdivider should use shared wells to create a greater factor of safety in the setbacks from drainfields.
 - Irrigation ditches should be permanently abandoned or re-routed.
 - Drainfields should be combined in a few central locations and away from the river and/or upgraded to Level 2 treatment.
 - The subdivider should create a mandatory water and wastewater maintenance district for the project.
 - If the first four recommendations are not implemented then all house sites, wells and drainfields should be staked to insure they will be located safely and item 4 from the August 17, 2009 letter be required.

Natural and Man-Made Hazards

12. Eastern portions of the property are located within the Como and Painted Rocks dam inundation areas. (Canyon Breeze Preliminary Plat and Ravalli County GIS)

13. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
14. The addition of 25 new residential homes in an area that currently has low density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)
15. Within this subdivision there are areas of the property identified as potentially having soils rated as very limited for roads and building sites, as shown on the plat. The location of these soils is entirely within the proposed no-build/alteration zone. (Canyon Breeze Subdivision Application – Element v, Canyon Breeze Preliminary Plat)
16. The Bitterroot River and its associated floodplain are located to the east of the proposed subdivision. The mapped floodplain is not located on the property. (FEMA-FIRM 30081C0110 C)
17. The Board of Health (BOH) submitted a standard comment letter to be considered for all subdivision proposals on August 17, 2009 (Exhibit A-8). Within the letter, the BOH requested that a covenant or notification to future landowners be included outlining the provisions associated with junk vehicle regulations and open burning season.

Conclusions of Law:

1. A subdivision proposal must be reviewed for its impacts on public health and safety. (MCA 76-3-608(3), RCSR Section 3-2-8(b)(v)(F))

Traffic Safety (Vehicular and Pedestrian)

2. The requirements listed under Roads and Pedestrian Facilities in Criterion 3 (Effects on Local Services) will mitigate the impacts of the subdivision on traffic and pedestrian safety. (Staff Determination)

Emergency Vehicle Response Time

3. In accordance with Ravalli County Subdivision Regulation Design Standards and Stevensville Rural Fire Department "Fire Protection Standards", all roads and driveways providing access to and within the proposed subdivision will meet County and Fire District standards which will ensure adequate emergency vehicle access. (Staff Determination)

Water and Wastewater

4. In accompaniment to the preliminary plat submittal, the subdivider is required to submit water and sanitation information in accordance with the requirements outlined within MCA 76-3-622(2).
5. The subdivider is required to submit a DEQ Certificate of Subdivision Approval prior to final plat approval. (Final Plat Requirement 9)

Overall Finding

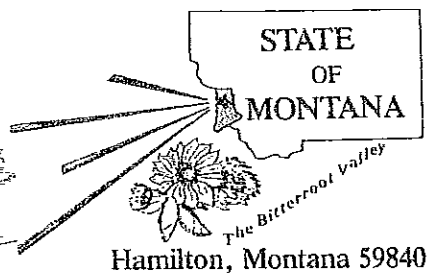
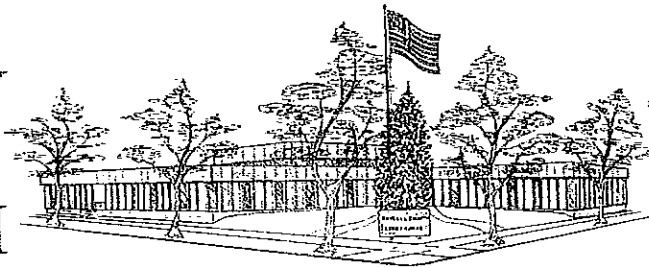
6. With the mitigating conditions of approval and requirements of final plat approval, impacts on Public Health & Safety will be reduced. (Staff Determination)

Recommended Conditions to Mitigate the Effects on Public Health and Safety

- The Notifications Document shall include notifications of the location of no-ingress/egress zones, the location of "very limited" soils, the location of dam inundation zones, the potential presence of radon, a recommendation to install full cut-off lighting, a notification of open burning season timeframes, and notification regarding junk vehicle laws. (Condition 1)
- The covenants shall include provisions requiring posting of County issued addresses and requirements for installation of driveways in accordance with adopted fire protection standards. (Condition 2)

- The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within the proposed phase. (Condition 4)
- Prior to final plat approval, the subdivider shall provide a letter from the Stevensville Rural Fire District stating that the subdivider have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdivider may provide evidence that a \$500 or \$900-per-lot contribution (as determined by the Fire District) has been made to the Stevensville Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)
- The following statement shall be shown on the final plat: "The Stevensville Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Stevensville Rural Fire District for further information". (Condition 6)
- The subdivider shall negotiate adequate mitigation with the BCC to alleviate effects of the subdivision on the Stevensville School District. The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 7)
- The subdivider shall work with the Stevensville School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of Canyon Breeze Drive and Eastside Highway. The subdivider shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the subdivider shall complete the improvements prior to final plat approval. (Condition 8)
- The subdivider shall negotiate adequate mitigation with the BCC to alleviate effects of the subdivision on Public Safety Services (Sheriff, E-911, DES). The subdivider shall ensure that the decided upon mitigation has been implemented prior to final plat approval. (Condition 9)
- Beginning on the western side of the planned internal road Moonrise Ct., the subdivider shall construct a paved 5-foot wide separated pedestrian pathway along the southern side of Canyon Breeze Court, excepting the planned intersection of Peak View Drive, to intersect with the existing pedestrian pathway located within the U.S. Highway 93 right-of-way. Prior to construction the subdivider shall work with MDT, who shall approve of the design and location of the pathway intersection before construction begins. The subdivider shall submit correspondence from MDT showing that the location and design of the pathway intersection has been approved prior to final plat approval. (Condition 15)
- The subdivider shall construct a paved 5-foot wide separated pedestrian pathway along the western side of Moonrise Ct. to intersect with the pathway constructed during Phase 1, as shown on the preliminary plat. (Condition 18)
- The final plat shall show a no-ingress/egress zone along the Stevensville River Road frontage of the subdivision, excepting the approved "emergency access only" approach for Kaycee Way, as approved by the Ravalli County Road & Bridge Department. (Condition 19)
- The subdivider shall submit correspondence from the Stevensville Rural Fire District stating that they have reviewed and approved of the final design of the emergency access onto Stevensville River Road. (Condition 20)
- The subdivider shall construct paved 5-foot wide pedestrian pathways along the following routes, as shown on the preliminary plat (Condition 22):
 - a. Along the length of the east side of Peak View Drive, from its intersection with Canyon Breeze Court to its intersection with Kaycee Way;
 - b. Along the length of the north side of Kaycee Way;
 - c. Along the western side of Peak View Drive from its intersection with Kaycee Way to the cul-de-sac; and
 - d. Along the length of the west side of Fish Hawk Ct.

COUNTY OF RAVALLI



Ravalli County Park Board
215 South 4th Street, Suite A
Hamilton, Mt 59840
406-375-6500 • 406-375-6507 fax

RECEIVED

OCT 19 2009
IC -09-10-705
Ravalli County Planning Dept

October 16, 2009

Randy Fifrick
Ravalli County Planning Department
215 4th Street, Suite C
Hamilton, Mt 59840

Subject: Canyon Breeze Major Subdivision

Dear Mr. Fifrick:

The Ravalli County Park Board Accepts cash-in-lieu for parkland dedication for Canyon Breeze Major Subdivision.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

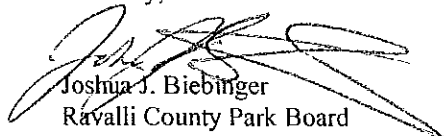

Joshua J. Biebinger
Ravalli County Park Board

EXHIBIT A-1

Ravalli County Fire Council
Ravalli County, Montana
November 2008

RECEIVED

JUL 27 2009
IC-09-07-572
Ravalli County Planning Dept.

FIRE PROTECTION STANDARDS

The Ravalli County Fire Council (RCFC) has adopted Fire Protection Standards (FPS) for all new subdivisions within Ravalli County. These standards were established with consideration for the life and safety of the residents of Ravalli County, as well as the volunteer firemen and firewomen who protect Ravalli County, and to mitigate possible harm to the general public.

In establishing these standards emphasis was given to the National Fire Protection Association (NFPA) 1 Uniform Fire Code and The Ravalli County Subdivision Regulations (as amended May 24, 2007). These codes and regulations establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire-protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1 Uniform Fire Code and establishes a minimum fire prevention code for Montana.

ACCESS ROADS

As used in this document, fire apparatus access roads include both internal subdivision roads, and individual driveways leading to structures from County or non-County maintained roads. Where the provisions of this document differ from the provisions of NFPA 1, the provisions of this document shall control.

The Fire District/Department requires that all roads and bridges meet or exceed, and are maintained to, the minimum requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.1 Required Access. Fire apparatus access roads shall be provided in accordance with Section 18.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction of a Fire District in Ravalli County.

18.2.2.2 Access To Buildings. A fire apparatus access road shall extend to within 50 ft (15 m) of a single exterior door providing access to the interior of the building.

18.2.2.3.1 Additional Requirements For Access To Buildings. Fire apparatus access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building hereafter constructed or moved into or within the

jurisdiction is located not more than 150 feet (46 m) from fire apparatus access roads as measured by an approved route around the exterior of the building or facility.

18.2.2.4 Multiple Access Roads. More than one fire apparatus access road shall be provided when it is determined by the Fire Chief that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

18.2.2.5.1 Dimensions. To allow the safe passage of fire apparatus to and from an incident, fire apparatus access roads shall have an unobstructed travel surface not less than 20 feet in width (6.1 m) and one-foot shoulders on each side for a total width of 22-feet, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4.1 m) over its entire length.

18.2.2.5.2 Surface. Fire apparatus access roads, including internal subdivision roads and individual driveways, shall be designed and maintained to support the imposed loads of fire apparatus over its entire length and shall be provided with a surface so as to provide all-weather driving capabilities.

- The surface of internal subdivision roads shall meet the specifications of the Ravalli County Subdivision Regulations.
- The surface of individual driveways shall be graded and surfaced with gravel, at a minimum.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the Fire Chief. The Board of County Commissioners of Ravalli County set the maximum acceptable road grade at ten percent (10%). The Fire Chief may request that access roads be built to not exceed a grade of 6%. The Fire Chief shall write or otherwise contact the Planning Department with the specific request, and outline the rationale for making such a request. The request shall be made prior to the Commissioners meeting/hearing on the proposal.

18.2.2.5.7 Marking of Fire Apparatus Access Road. The Fire District/Department requests that as soon as construction begins all lots (premises) be posted with a temporary or permanent address at the premises driveway and upon occupancy with a permanent address posted in accordance with the NFPA 1.

Exception: When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and the road standards as stated in the Ravalli County Subdivision Regulations.

BUILDING STANDARDS

The RCFC requests that all residential buildings be built to International Residential Building Code (IRBC) standards in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

FIRE FLOW REQUIREMENTS

At a minimum, every subdivision shall be provided with a water supply for the purpose of fire fighting as specified in NFPA 1. Fire flow requirements will be based upon the smallest lot size in a subdivision. Subdivisions may provide water according to the provisions below, or provide \$900 per lot cash-in-lieu of water.

Single-Family Dwellings:

Acres Per Lot/Density	Required GPM	Fire Flow Requirement Options
20 or more acres per lot	500/one hour	#1 or #2 or #3
5 - 19.99 acres	500/two hours	#1 or #2
1 - 4.9 acres	750/two hours	#1 or #2
.5 - .99 acres	1000/two hours	#1 or #2
.25 - .49 acres	1000/two hours	Hydrants spacing every 1000 feet, and #2
Less than .25 acres	1500/two hours	Hydrants spacing every 500 feet, and #2 or #4

Fire Flow Requirement Options

Option #1. Water shall be supplied by a well and pump with required volume and minimum pressure of 20 PSI. An overhead fill may be required in order to fill tankers. The fill site must be useable year round and the Fire District/Department must have legal access in perpetuity.

Option #2. Water shall be supplied by a tank/pressurized hydrant combination. The tank may be constructed from plastic, concrete, fiberglass or other materials capable of holding and maintaining the required water supply. The tank must be built and installed so as to last a minimum of 30 years. The pump must be capable of delivering the required gpm at a minimum of 20 PSI from an approved fire hydrant. The system shall be inspected and certified by a Professional Engineer and a copy of the inspection and certification will be provided to the Fire District/Department and to the County Planning Department prior to the filing of the final plat.

Option #3. 30,000 gallon storage with dry hydrant. Dry hydrant applications may be used for ponds, streams and lakes. The system must be designed to be useable and accessible year round. All pipe must be a minimum of 6 inch diameter and the threads at the outlet must be 6 inch male NST.

Option #4. Water shall be supplied by a community water system. The system shall be capable of delivering the required gpm at a minimum of 20 PSI from approved fire hydrants. The system shall be inspected and certified by a Professional Engineer and a copy of the inspection and certification will be provided to the Fire District/Department and County Planning.

Single-Family Dwellings Greater Than Two Stories:

In addition to providing water supply according to the above requirements, single-family dwellings more than two stories in height above ground are required to install a residential sprinkler system. The system shall be engineered, installed, fully operational and compliant with the current edition of the applicable NFPA standard.

Buildings Other Than Single-Family Dwellings:

All other developments including multi-family dwellings, commercial, industrial, or mixed use buildings require fire flows higher than 500 GPM for 120 minutes and will have to be engineered by the developer to determine needed fire flows in accordance to NFPA 1 fire flow requirements. The Fire District/Department shall approve of the design for fire flow prior to construction and the fire flow facilities after construction.

Buildings other than single-family dwellings shall be sprinkled according to NFPA standards. Commercial storage units are exempt from sprinkling requirements.

Cash-in-lieu of Water Option:

The Fire District/Department realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$900.00 (Nine Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$900.00 per lot will be due prior to the final plat approval of the subdivision. Funds paid in lieu of the water supply required by the NFPA 1 will be used to maintain or improve fire protection within the District/Department.

Reduced Required Fire Flow with Sprinkler System:

If all habitable structures are sprinkled according to NFPA standards, then up to one half of the water supply requirements will be waived and the in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$450.00 per lot will be due prior to the final plat approval of the subdivision. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$450.00 payment, regardless of whether they have sprinklers in residences located on them or not.

Maintenance:

The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5. A homeowners association must be created. Homeowners association documents shall describe how water supply systems are

to be maintained currently and in the future, by whom, and how local fire protection authority can be assured that the water supply will function appropriately. An easement for unrestricted use by the fire department, in perpetuity, of the water supply system shall be recorded and noted on the plat. The fire department will not be responsible for any maintenance, electricity, or any costs associated with enhancements, upgrades or other measures necessary to assure the system functions to original specifications.

Ravalli County Fire Council:

Florence Volunteer Fire District

Stevensville Rural Volunteer Fire District

Victor Volunteer Fire District

Hamilton Rural Fire District

Sula Volunteer Fire District

Painted Rocks Volunteer Fire District

Three Mile Volunteer Fire District

Pinesdale Volunteer Fire District

Corvallis Volunteer Fire District

Darby Volunteer Fire District

West Fork Volunteer Fire District

Superintendent
Kent Kultgen
Ext. 136



Stevensville Public Schools
300 Park Avenue
Stevensville, MT 59870
Phone: 406-777-5481
Fax: 406-777-1381



Business Manager
Bill Schiele
Ext. 139

RECEIVED

OCT 14 2009
IC-09-10-755
Ravalli County Planning Dept.

Randy Fifrick
Ravalli County Planning Department
215 South 4th Street; Suite F
Hamilton, MT 59840

October 12, 2009

Dear Mr. Fifrick:

This letter is in reference to your correspondence on the expansion of Canyon Breeze Major subdivision from 14 to 25 lots. Our school currently has no caps on our enrollment and any students who move into our boundaries would be admitted.

As you consider this request please keep in mind the following points:

- Stevensville district bus policy stipulates buses can only travel on maintained state and county roads.
- Each subdivision must provide a safe pick-up/drop off zone for school bus children.
- A mitigation fee of \$2,500 per lot would be greatly appreciated. These monies will help offset the costs of key educational items for the students who attend. Examples are, but not limited to: textbooks, technology, and teacher supplies.

Thank you for the opportunity to share my concerns. If you need any more information please do not hesitate to contact me.

Sincerely,

Kent Kultgen
Superintendent
Stevensville Schools

Budget Per Pupil/Tax Levy Per Pupil

Year 2009-2010

Students

NOTE: These data do not include any federal funds or special grants.

This makes these figures reflect budget and revenue only from state, county and local sources. It does include some special education that is in the General Fund.

School	Total Budget	October Count	Per Pupil
Corvallis	9,670,479	1,338	7,228
Stevensville Elem	4,521,379	602	7,511
Stevensville HS	3,900,120	366	10,656
Hamilton	11,495,737	1568	7,331
Victor	2,491,954	419	5,947
Darby	3,859,968	377	10,239
Lone Rock Elem	2,092,062	270	7,748
Florence	6,411,211	891	7,196

RECEIVED

NOV 13 2009

Rayah County Planning Dept
Public Hearing

EXHIBIT A-4

School	Total Tax Except Capital ¹	Students October Count ²	County Levy ³	Tax Levy Per Pupil Exc Capital ⁴	Total Capital ⁵	Tax Capital ⁶	Total Tax Levy Inc Capital ⁷	Tax Levy Per Pupil Inc Capital ⁸
Corvallis	1,833,642	1,338	938,439	2,072	169,679	126.82	2,941,760	2,199
Stevensville Elem	1,038,635	602	249,000	2,139	138,678	230.36	1,426,313	2,369
Stevensville HS	811,176	366	390,346	3,283			1,201,522	3,283
Hamilton	3,093,209	1,568	1,109,082	2,680	887,490	565.00	5,089,781	3,246
Victor	518,514	419	258,197	1,854	326,132	778.36	1,102,843	2,632
Darby	1,204,631	377	427,381	4,329		0.00	1,632,012	4,329
Lone Rock Elem	422,529	270	249,000	2,487	102,432	379.38	773,961	2,867
Florence	1,427,593	891	436,147	2,092	72,182	81.01	1,935,922	2,173

NOTES:

- 1 Total Tax except capital - District levied tax excluding debt service
- 2 Student October Count - The first official student count day of the year (actual student count)
- 3 County Levy - The county levies for districts retirement and transportation
- 4 Tax Levy per pupil - Total District levy plus county levy divided by the student October count
- 5 Total Capital - Amount levied for debt service (capital)
- 6 Tax Capital per pupil - Cost per pupil for debt service (capital)
- 7 Total Tax levy plus Capital Tax - All levied dollars for schools
- 8 Total Tax levy plus Capital Tax - Per pupil cost of all levied dollars.

RECEIVED

OCT 15 2007

IC-07-10-1305
Ravalli County Planning Dept.



RECEIVED

OCT 15 2007

Ravalli County Commissioners

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October 15, 2007

James Rokosch, Chair
Ravalli County Commissioners
215 South 4th Street, Suite A
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,

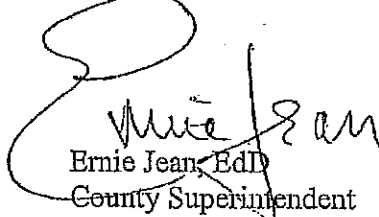

Ernie Jean EdD
County Superintendent

EXHIBIT A-5

BIG SKY DISTRICT
GROWTH MANAGEMENT

RECEIVED

JUN 13 2007

Ravalli County Planning Dept.



1C-07-06-729

June 8, 2007

To: County Planning Office
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day-one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Wyrwas".

Mike Wyrwas
Growth Management Coordinator
Big Sky District

841 S 26TH STREET
BILLINGS, MT 59101-9334
PHONE 406-657-5710
FAX: 406-657-5788
EMAIL MIKE.WYRWAS@USPS.GOV

EXHIBIT A-6

Randy Fifrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Fifrick
Subject: RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
Operations Programs Support

-----Original Message-----

From: Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

6/29/2007



Montana Fish, Wildlife & Parks

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3099
406-542-5500
Fax 406-542-5529
October 28, 2009

Randy Fifrick
Planning Department
Ravalli County
215 S. 4th St., Ste F
Hamilton, MT 59840

Reference: Canyon Breeze (Kwapy & Barber)--Proposed major subdivision (25 lots on
28.7 acres; T9N, R20W, SW4 Sec 15), NW of Stevensville

Dear Mr. Fifrick:

We previously reviewed this subdivision when it was a 14-lot proposal (FWP letter dated 22 May 2007, attached), and those comments still apply to this newer 25-lot proposal. We have made changes to our wildlife covenants since then and would like to recommend the enclosed version of covenants be substituted for those we recommended in 2007.

Thank you for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

/s/ Mack Long

Mack Long
Regional Supervisor

ML/sr

EXHIBIT A-7

Recommended covenants for Canyon Breeze (Kwapy & Barber) major subdivision, recommended by Montana Fish, Wildlife & Park; Missoula; October 28, 2009

Section __: Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as white-tailed deer, black bear, mountain lion, coyote, fox, skunk, raccoon, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners “live with wildlife.” Alternatively, see FWP’s web site at <http://fwp.mt.gov>.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on “all-species electric fencing” designed to exclude wildlife from gardens and/or home areas.)
- c. **Garbage** must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as raccoon, black bear, and other wildlife. If stored indoors, it is best not to set garbage cans out until the morning of garbage pickup; bring cans back indoors by the end of the day.
- d. **Do not feed wildlife** or offer supplements (including salt blocks), attractants, or bait for deer, wild turkey or other wildlife, including during the winter. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract any ungulates (deer, elk), bears, or mountain lions with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide

supplemental feed attractants in a manner that results in “an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer and wild turkey can attract mountain lions to an area.

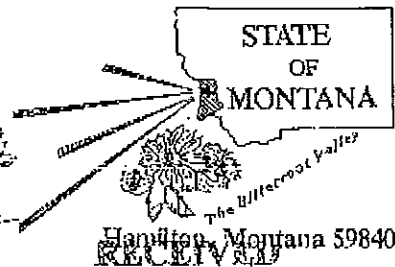
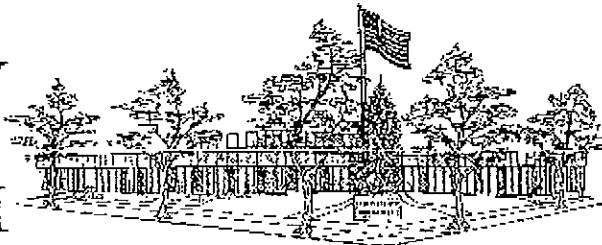
- e. Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- f. **Birdseed** in bird feeders attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such as bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- i. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence. Contact FWP for a brochure or information of building fence with wildlife in mind.
- k. Residents of this subdivision must recognize the subdivision is located nearly adjacent to the Bitterroot River and its associated wetlands and sloughs, where **lawful waterfowl hunting** and the associated discharge of shotguns could occur from early morning until sunset, and the season can run from September into January.
- l. **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard

associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)

- m. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- n. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (County Commissioners).

COUNTY OF RAVALLI

August 17, 2009



RECEIVED

AUG 28 2009

IC-09-08-651
Ravalli County Planning Dept.

AUG 24 2009

Ravalli County Commissioners

To: Ravalli County Board of County Commissioners
From: Ravalli County Board of Health

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Re: Health and Safety issues in Subdivisions that could be used for model covenants

The Board of Health is interested in the current process of revising the County subdivision regulations, and believes that certain health and safety issues are properly addressed and regulated within the subdivision regulations.

Some of the items discussed below may also be covered in State or County regulations, and others take the "next step" in improved health and safety for the County. Yet, we believe that it is proper and justified to restate and emphasize these items in the subdivision regulations because a significant portion of our County population will likely live in a County approved subdivision in the future.

The subdivision approval process, covenants and homeowner association provide an opportunity for education and enforcement that is worth using to move toward the goal of improved health and safety in the County. Generally, it seems a person is more willing to impose a higher standard of quality and self enforcing provisions on a project when they are seeking approval from the County.

Toward this end, we recommend the following additions to the subdivision regulations. If these recommendations are deemed not appropriate as regulations, they should at least be included as Board of Health covenants or notifications for all subdivisions:

- 1) All wastewater treatment systems require maintenance. At a minimum, the septic tank sludge and scum layer must be checked every three years and the tank pumped if necessary. The effluent filter should be cleaned every year. The drain field should be evaluated during the three year check and any problems with compaction, water logging, inappropriate vegetative cover, parking or driving over the area and replacement area, or buildings located over the area must be appropriately addressed. Any pump chambers, pumps, pump controls, and other equipment must be checked yearly or as recommended by "The Montana Standards for Subsurface Wastewater

EXHIBIT A-8

Treatment Systems", Circular DEQ-4 and the manufacturer's recommendations.

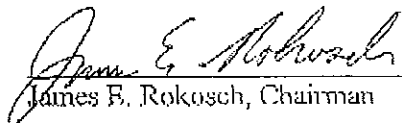
Wastewater treatment "maintenance districts" or some form of management entity must be established to meet, the criteria in the Voluntary National Guidelines for Management of Onsite and Clustered (Decentralized) Wastewater Treatment Systems (EPA 832-B-03-001), Date Published: 03/01/2003 and Ravalli County Subsurface Wastewater Treatment and Disposal Regulations, Section 3.1 O. The Montana Circular DEQ-4 provides additional information on maintenance and regular pumping of all septic tanks and other components in Section 7.4 and Appendix D, <http://www.deq.state.mt.us/wqinfo/Circulars/DEQ42004Edition.pdf>

- 2) Any subdivision with 5 or more lots must have a water supply "maintenance entity" or community type water system. A safe water supply is necessary for the health of a community. It is important that regular testing and wellhead (source water) protection be completed by this entity whether the water supply is from individual or multiple user wells or another source. Guidance for testing private wells is provided at: <http://www.epa.gov/safewater/privatewells/index2.html>
- 3) All buildings and wastewater sealed components must be at least 50 feet from streams, and 100 feet from larger rivers. All unsealed components and drain fields must be 100 feet from any surface water including streams, rivers, springs, lakes, ponds, ditches, flood irrigated areas, wells, or any other water body (Ravalli County Subsurface Wastewater Treatment and Disposal Regulations, Setbacks, Article 4 and ARM 17.36.918). Given the risk of river and stream cutting and migration, we believe it is safer to keep the entire system -- house, tank and drain field -- back at least 100 feet and probably much further from the Bitterroot River and other migrating river channels and streams.
- 4) Subdivisions with 5 or more lots that are located in areas with high groundwater must establish a permanent groundwater monitoring system. This system must allow for periodic monitoring and sampling of the groundwater to verify that the wastewater treatment systems are not contaminating the groundwater. If the groundwater shows contamination from the wastewater treatment systems, additional treatment may be required.
- 5) All wood burning stoves or other wood burning appliances must meet the EPA rated, low emission standards, www.epa.gov/woodstoves
- 6) Burning of yard debris is prohibited in a subdivision with lots less than 5 acres. Burning household garbage and other non-vegetative debris is prohibited in all subdivisions, ARM 17.8.604. Composting yard and vegetative debris is encouraged.

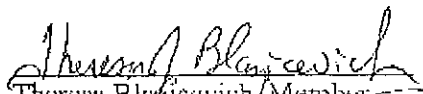
- 7) Junk vehicles, accumulation of any garbage, solid waste, outside storage of home appliances, or other debris are prohibited in subdivisions, Section 75-10-505, MCA and Sections 75-10-101 and 75-10-201, MCA. All garbage or solid waste must be stored in approved containers and removed weekly to a Montana Department of Environmental Quality (DEQ) licensed landfill, ARM 17.36.309. Owners or renters of divisions of land of 5 acres or less made after July 1, 1977 may not dispose of solid waste on their property, MCA 75-10-214. Recycling is encouraged.
- 8) All existing roads and intersections must be at level of service C or better, after projected traffic from the subdivision is included, or the roads and intersections brought up to this standard BEFORE the subdivision is approved. Safe pedestrian routes and bus stops must be provided for all school children. These requirements are adopted to reduce use or unnecessary idling of vehicles that adds to air pollution. Cars are a major source of air pollution in the United States, EPA 420-F-93-002.
- 9) When dry wells are used for stormwater disposal, they must be located with the bottom of the dry well at least 15 feet above the seasonally high groundwater. For more information on dry wells or shallow disposal, EPA 816-C-04-004 and www.epa.gov/OGWDW or www.epa.gov/safewater/wic

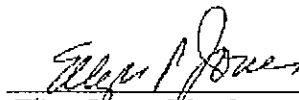
Thank you for your consideration of these recommendations. We would look forward to an opportunity to discuss any of them with you in greater detail.

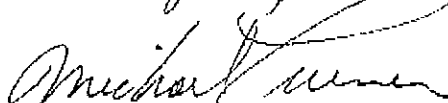
Respectfully submitted:
RAVALLI COUNTY BOARD OF HEALTH


James E. Rokosch, Chairman

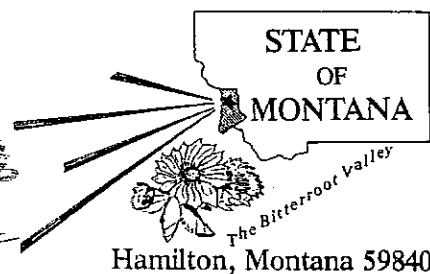
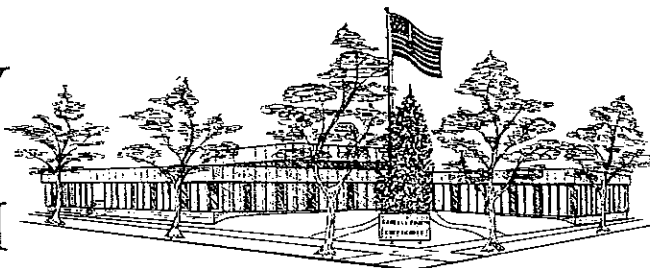

Roger DeHaan, Member


Theresa Blazicevich, Member


Eilyn Jones, Member


Mick Turner, Member

COUNTY OF RAVALLI



Ravalli County Commissioners
215 S. 4th Street, Suite A
Hamilton, MT. 59840
406-375-6500

RECEIVED

NOV 30 2009
IC-C9-11-865
Ravalli County Planning Dept.

November 18, 2009

To: Planning Department
~~Planning Board~~
Environmental Health Department

From: Ravalli County Board of Health

Re: Comments on Canyon Breeze major subdivision

With this letter, the County Board of Health would like to place our comments on record for the proposed Canyon Breeze subdivision. In general, for this and every subdivision, we would like to have our "standard comments" letter of August 17, 2009 implemented as part of every approval process.

Specific to the Canyon Breeze subdivision we would like to add the following:

1. The proposed layout for wells and drainfields in this subdivision is extremely tight allowing no room for error. For non-degradation calculations, it is very unlikely that either the groundwater direction, grade, or permeability is constant over a property of this size. Although this is a common assumption in calculating non-degradation, we feel it is important to allow some factor of safety in the layout to account for the reality of groundwater moving through alluvial soils, especially near open bodies of water such as the Bitterroot River.
2. Because of these facts, we recommend the following, in addition to our standard recommendations:

RECOMMENDATION 1: Wells should be combined so that one well serves two or three lots. This would minimize the total number of wells, creating a greater factor of safety in the setbacks from drainfields. Of course we would prefer a community water system for a project like this, but understand that water right rules for wells greater than 35 gpm make this difficult.

EXHIBIT A-9

RECOMMENDATION 2: Any irrigation ditches on the property *should be* permanently abandoned *and re-graded to match native conditions*, or re-routed. Drainfields *should be* combined in a few central locations *away from the river*, and/or upgraded to Level 2 treatment. This would provide better effluent treatment and accommodate some fluctuation in groundwater levels.


RECOMMENDATION 3: Create a mandatory water and wastewater maintenance district for this project.

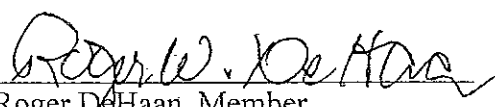
RECOMMENDATION 4: If the above recommendations are not implemented to ease the tight spacing and improve the factor of safety, all wells, drainfields and house sites must be permanently staked so it is less likely these features will be located incorrectly. Additionally, make mandatory no. 4 from our standard recommendations and require permanent groundwater elevation monitoring and quality testing.


Thank you for implementing these recommendations. We would be happy to work with you on any of these issues if you wish.

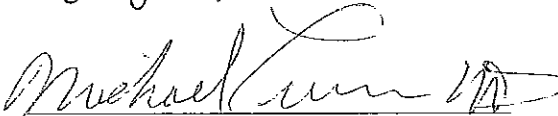
Respectfully submitted:

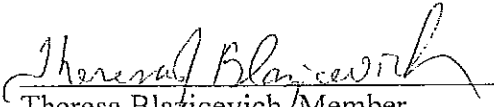
RAVALLI COUNTY BOARD OF HEALTH


James E. Rokosch, Chairman


Roger DeHaan, Member


Ellyn Jones, M.D., Member


Michael Turner, M.D., Member


Theresa Blazicevich, Member